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October 25, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: IB Docket No. 97-95

Dear Ms. Donch:

On October 24,2002, Joseph M. Sandri, Jr., Lynne N. Hewitt, Gene Rappoport, and Vishnu Sahay of Winstar Communications, LLC ("Winstar") and the undersigned met with Ron Repasi, Jason Frederick, Edward Jacobs, Trey Hanbury, Paul Locke, and David Strickland of the International Bureau to discuss the status of Winstar's current operations, its position in the above-referenced docket, and its participation in the WRC-2003 preparation process. Winstar stressed the need for terrestrial licensees to be provided with stability and a degree of certainty regarding satellite power flux density (PFD) emissions, and earth station coordination requirements. Specifically, Winstar stated that satellite systems operating in the 38.6-40.0 GHz band should be limited to 12db below the allowed limits in Table S21.4. This will permit the fixed service licensees in the 38.6-40.0 GHz bands to have the stability they need to focus on the operation, funding and growth of their services to the public. A copy of a handout regarding these matters is enclosed.

Should you have any questions regarding the above, please do not hesitate to contact the undersigned at 202-303-1143.

Sincerely,

Angie Kronenberg

Angie Kronenberg

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cc: Ron Repasi Jason Frederick
Edward Jacobs Trey Hanbury
Paul Locke David Strickland

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Winstar Objectives at the WRC-2003 Conference Regarding the V-Band

1. Introduction

Winstar has substantial spectrum and network assets in the 37.5-40.0 GHz band (also referred to as the 38 GHz band). This band is also allocated, on a co-primary basis, to the Fixed Satellite Service (FSS). The technical sharing criteria between the two services are established by the World Radio Conferences (WRCs) of the ITU. The Radio Communications Bureau of the ITU, through its Study groups SG 4 and SG 9, Working Parties WP4-9S, WP9A, WP9B and WP9D, and Task group 1-6, submit technical recommendations to the ITU-R and the WRC.

Winstar has been active in the ITU meetings in order to influence the decisions made at the WRC so that its network performance and capacity are not jeopardized. Winstar had certain specific criteria that were essential to protect its facilities-based broadband wireless network:

Table-1
Service Objectives

- *Service availability of 99.999%*
- *BER Performance of 10^{-12} or lower*
- *Ability to deploy subscriber ierminals over a wide range of elevation angles*
- *Low fade margins and high capaciiy cellular architeciure*
- *Ubiquitous and flexible deploymeni capability within the area-wide license (Le., the ability io quickly and fluidly deploy network throughout the license area)*
- *No artificial limitations on technical innovation (Le., OC6 and OC12 radio development, temporary fixed and semi-mobile systems, and low noise figure technologies that allow for additional spectrum re-use*

In order to achieve this objective, it is necessary to restrict the FSS satellites in 38.6-40.0 GHz to low power operation, and limit earth station deployment to just a handful of **large** gateway type terminals. Winstar had to overcome strong opposition from the powerful satellite lobby and from the European countries.

At the WRC-2000 meeting held in Istanbul, Turkey, the following result were achieved:

Table-2
Provisional Decisions **of WRC-2000**

- *To limit the operaiional transmit pfd levels of GSO FSS and NGSO FSS satellites to 12 dB below the allowed limits in Table S21.4;*
- *To limit the FSS earth ierminals in the band 37.5-40.0 GHz io a small number of large coordinated gateway ierminals;*
- *To allow for power increase by FSS satellites during rain fade condiiions up to S21.4 levels, as long as the BWA/HDFS terminals do not receive excess interference and/or prior approval is obtained from affected administrations and operators;*
- *FSS services will only deploy small, ubiquitous, high density earth terminals only in the band 40.0-42.0 GHz band*

The above decisions were made by the WRC-2000 Conference on a provisional basis, subject to further review and validation by the WRC-2003 Conference. The WRC-2000 Conference passed a Resolution (Resolution **84)** requesting the ITU-R to conduct further studies on the issues surrounding the provisional decisions, and report back to the WRC-2003 Conference.

2. Objectives

The FCC has started a Rulemaking Process to adopt the provisional decisions of the WRC-2000 Conference (FNPRM, IB Docket No. 97-95). Several ITU-R Working Groups have started work on Resolution **84** issues. The WRC-2003 Conference preparatory meeting (CPM) is scheduled for November 2002. At this meeting, the ITU-R will approve a technical report on Resolution **84** issues (one among many issues to be addressed by the Conference). The satellite community has regrouped and has launched a **strong** counteroffensive to overturn or weaken the WRC-2000 decisions at the WRC-2003 Conference. France and Germany are leading the European effort to do the same. Winstar lost valuable time and initiative due to Chapter 11 problems and activities involving change of ownership. Winstar emerged from Chapter 11 on December 19, 2001. Since January 2002, Winstar has moved aggressively to regain the initiative. The objectives of Winstar for the WRC-2003 Conference are summarized below:

Table-3
Winstar Objectives **for WRC-2003**

- ***To*** *work with the U.S. administration, and other friendly administrations (Japan, Argentina, Brazil, Australia, Canada, Mexico, Peru, and others) to get the WRC-2003 Conference to adopt decisions at WRC-2003 which do not introduce harmful interference into HDFS operations in at least the 38.6-40.0 GHz band*
- *Winstar continues to believe that both GSO FSS and NGSO FSS satellites need to operate at pfd levels* ***of*** *S21.4 minus 12 dB* ***in*** *clear-sky conditions*
- *To insure that the FSS satellites are not allowed to increase power during rain fade conditions if the satellite beams cover the licensed areas of BWA/HDFS operators, without prior approval*
- ***To*** *insure that the FSS operation in the 37.5-40.0 GHz band* ***is*** *limited to* ***a*** *small number of large gateway type terminals*
- ***To*** *participate actively in the WRC-2003 activities, and submit studies and contributions to defend the Winstar objectives*
- *Develop coordination procedures that protect the specific needs* ***of*** *HDFS networks and Area wide licenses.*

3. Status

Winstar has prepared and submitted the following contributions for the April 2002 meetings of the ITU-R WP 4-9S, WP **9A,** and WP 9B. Winstar is also preparing to take active part in the **U.S.** preparations for the ITU-R CPM meeting in November 2002, and U.S. preparations for the WRC-2003 Conference.

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Table-4
Winstar Contributions

4-9s-15	*Revisions to the PDNR on the Percentage of Time that the FSS satellites are allowed to increase power during rain fade conditions without causing excess interference to HDFS terminals*
4-9s-I6	*Revisions to PDNR on the methodology to calculate the interference impact on HDFS terminals in a multi-satellite environment*
4-9s-I 7	*Draft CPM text on the Regulatory Provisions for implementing the decisions of WRC-2002, as called for by Resolution 84*
4-9S-18	*Revisions to and update of the Draft CPM Text*
4-9S-19	*Coordination Issues between HDFS and HDFSS, as called for by Invites 6 of Resolution 84*
9A-1	*Revisions to the DNR on the Protection Criteria for HDFS from Short-Term Interference from NCSO FSS satellites*
9A-2	*Revisions to the DNR on the Protection Criteria for HDFS from Long-Term Interference from GSO FSS satellites*

4. Recommendations

It is recommended that terrestrial licensees be provided with stability and a degree of certainty regarding satellite power flux density (PFD) emissions, and earth station coordination requirements. Such stability will allow the fixed service licensees in the **38.6-40.0** GHz bands to focus on the operation, funding and growth of their services to the public.